

Minutes of the Wyoming School Facilities Meeting

Wyoming National Guard
5500 Bishop Blvd.
Cheyenne, WY
December 8, 2009

Chairman Gilpatrick called the meeting to order at 8:15 a.m.

Present: Commissioner Gilpatrick, Commissioner Marsh, Commissioner Goodson, Commissioner Carrier, Commissioner Algier, Commissioner McBride, and Director Daraie

The Executive Session was not conducted since there were no Executive Session items. The Commission re-convened the Work Session beginning at 8:15 a.m.

Rex Schultz of Perry Law Firm, continued the discussion begun during the Work Session conducted on December 7, 2009. He reviewed the following changes made to the Architect Selection Process and Associated Contract as a result of input provided during the Work Session:

Page 4 added definition of "Fast track project" to deal with the issue of the effort required by the architect in preparation of the Efforts Schedule to meet the demands and requirements of meeting the fast track schedule.

Under "Schedule of Submission of Signed Documents", the following wording was added; following intervals of the overall hours of design services an occurred invoice, meaning 10%. They will provide SFC with design documents at 10%, schematic design at 35% and then design development. At 60% the construction document phase will include completion of infrastructure. Construction documents will include; landscaping, foundation, masonry, metals, mechanical, and electrical divisions.

Item C, now D, should say 95% construction document phase to include all divisions of work.

Under "Final Efforts Schedule", the following wording was added; the efforts schedule shall provide for a minimum of 5% and a maximum of 10% of the total personal hours for the project to be dedicated to the project completion and more extensive services to be provided by the architect.

Commissioner Marsh moved to amend the work session agenda to include the Reports identified on the Commission meeting agenda. Commissioner Algier seconded the motion. Motion passed unanimously.

Jim Lowham, Deputy Director of Planning, asked that the Commission reschedule the Capstone Document presentation by Todd Wilder until January.

Reports

Schedule And Responsibility Spreadsheet Wally Diller, Design Manager, presented the spreadsheet and the Commission was given a copy of the spreadsheet.

Commissioner Algier stated that it is a little confusing and needs to be clear about when the design is complete or when the construction is complete.

Schools Recently Opened or Currently Under Construction Jim Lowham went over the New Schools Recently Opened or Currently under Construction spreadsheet. It starts in August of 2009 and runs through early fall of 2011.

Budget Information Update Director Ken Daraie went over the “official budget document” (Biennium Budget Request 2011-2012) that was sent from the Governor to the Appropriations Committee.

Chairman Gilpatrick stated that it is important to stick to the priority list.

Nancy Nuttbrock, Deputy Director of Design and Construction, gave an update on Uinta County School District #4, New Mountain View K-8.

The commission meeting recessed for a ten (10) minute break at 9:25 a.m.

Chairman Gilpatrick called the regular meeting to order at 9:38 a.m.

Approval of Meeting Agenda

Commissioner Carrier moved to amend the agenda and change the agenda by moving item “e. New A/E Contract” in front of item “a. Goshen 1,” to remove agenda items 7. Reports. Commissioner Goodson seconded the motion. Motion passed unanimously.

Approval of Previous Meeting Minutes

Commissioner Marsh made a motion for approval of the previous minutes. Commissioner Carrier seconded the motion. Motion passed unanimously.

Financial Report

Merle Smith, Deputy Director of Finance went over the monthly report and reversion and reallocation request.

Mr. Smith reviewed changes to the obligated and unobligated funds.

Commissioner Carrier asked if Mr. Smith anticipated the un-obligated funds to be at the \$3M mark by the end of the year. Mr. Smith, said yes.

Nancy Nuttbrock, Deputy Director of Design and Construction went over the obligated funds and capital funds for Weston 1.

Commissioner Algier stated that she would like the terms “allocated”, “obligated” and “encumbered” clarified. She suggested that when Director Daraie writes a letter to the districts that it is the “authorization” for funding. When the contract is signed with the contractor that is when it is “obligated” and before the authorization of the contract it is a request for funding.

Current Business

New Architectural Contract

Deputy Director of Construction, Nancy Nuttbrock presented for approval the new A/E contract with changes discussed during the Work Session. Ms. Nuttbrock informed the Commission that, if approved, the Staff would begin using the new architectural contract thereby replacing the contract that was approved by the Commission in June of 2006.

Commissioner Marsh made a motion for approval of the use of the new architectural agreement for all delivery methods with the exception of design build, but including the modification and amendments made to the contract from the Work Session with the understanding that non-material amendments and modifications necessary to adjust the agreement to specific projects may be necessary from time-to-time. Material modifications to the contract will be reviewed by States Counsel. Commissioner Carrier seconded the motion. Motion passed unanimously.

Goshen 1 (Torrington)

Commissioner Marsh recused himself from discussion and deliberation. Commissioner Marsh took a seat in the audience.

Commissioner McBride moved to approve a budget not to exceed \$2.93M for remodeling the Old Torrington MS. Commissioner Goodson seconded the motion. Motion passed unanimously.

Ray Schulte, Superintendent of Goshen County School District #1, discussed the state of the Torrington MS and Administration building and the enhancements the district desired. The District would like to renovate the MS building to provide for administration space, provide spaces for weight lifting classes and wrestling.

Sally Means, the architect working with the district, reviewed the facility site plan.

Weston 1 (Newcastle)

Nancy Nuttbrock, Deputy Director of Construction gave a brief history of the issue surrounding the HS Bleachers and Press Box.

The SFC has received a request from the district for \$148,000 for new bleachers and a new press box. The district requested to use component level funding. SFC Staff determined that component level funding would not be appropriate as the bleachers and press box were an enhancement. The district requested permission to pay for a portion of the \$148,000 by using the remainder of the 10% major maintenance funds the district would have left after taking care of a number of issues. The district indicates there will be approximately \$43,000 which could be applied to the \$148,000 expense.. The district would like to pay for the remaining \$104,000 by using regular MM funds and then over the course of the next 2 - 3 years pay back the Major Maintenance account using 10% set-aside account.

Commissioner Marsh moved to table this agenda item until the Commission receives additional detail from Staff and guidance from counsel. Commissioner Carrier seconded the motion.

Commissioner McBride asked Brad LaCroix, Superintendent, how much they have in district reserves. The Business Manager, Deb Sylte informed the Commission that the district had approximately \$200,000 in district reserves

Motion passed unanimously.

Sheridan 1(Big Horn)

District was unable to attend so Deputy Director of Construction, Nancy Nuttbrock presented the district's request.

The District has executed a lease for approximately 15 acres to be used as lay down/staging area for construction and an area which will be used for physical education during construction and is now requesting the SFC pay the lease fee. Ms. Nuttbrock informed the Commission that the Staff and District are looking for guidance from the Commission as the lease was executed without SFC involvement. .

Commissioner Gilpatrick stated it is the Contractors responsibility to find space for staging. Commissioner Gilpatrick indicated that the district should pay for the lease since the district executed the lease without SFC involvement and in violation of SFC rules.

Project Manager, Dave LaPlante outlined for the Commission the issue surrounding the constrained site and need for laydown space .

Director Ken Daraie stated that there is no record that SFC had requested the district lease property. The Director reported that Coleman Engineering also had no record suggesting the district acquire the lease.

Commissioner Carrier stated that it is not about the exorbitant cost, but a question of a violation of statute because the district did not obtain permission before it negotiated and executed the lease. Commissioner Carrier also stated that the district does have the right to appeal this issue if there is further information.

Commissioner Goodson made a motion to deny the request of Sheridan 1 to pay the cost of the lease that they negotiated for lay down area and playing field. Commissioner Algier seconded the motion.

Commissioner Marsh made a motion to make an amendment to the main motion that pursuant to Wyoming statute 21-15-114 (a) (viii) which states that in order to come to execute a lease a district must have SFC's approval.

Commissioner Goodson accepted the friendly amendment to the motion.

Commissioner Algier seconded the motion.

Motion passed unanimously.

District-wide SFC Funding Contracts

Deputy Director of Construction, Nancy Nuttbrock presented the Master Funding MOU between the Districts and the SFC for approval.

Michael O'Donnell, States Counsel, explained modifications to the MOU which were required by the Attorney General's office. Mr. O'Donnell also explained some of the verbiage in the MOU.

Commissioner Gilpatrick stated that when it comes to lay down and staging area it needs to come from the contractors' side. Commissioner Gilpatrick would like a statement in the MOU regarding leasing.

Jim Lowham, Deputy Director of Planning, asked the Commission if they are asking for a contra positive of number seven, such that the SFC shall not reimburse districts for expenditures not authorized by Director's Authorization Letters and/or Commission Authorization Letter.

Director Daraie stated that all SFC documents will be amended and brought to the Commission for approval once the documents contain common vocabulary.

Commissioner Carrier moved to approve the attached MOU for use as the Master Funding MOU between Districts and the SFC with the following changes to the

contract: It will state that the SFC shall not reimburse districts for expenditures not authorized by Director's letters and/or Commission letters and have consistent vocabulary. Commissioner Marsh seconded the motion. Motion passed unanimously.

Public Comment and Commissioner Comments were taken.

The Commission set the next meeting for January 25 - 26, 2010. It will be in Cheyenne at National Guard.

Adjournment

Commissioner Carrier made a motion to adjourn the regular meeting at 11:30 a.m. Commissioner Marsh seconded the motion. Motion passed unanimously.